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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,596	03/19/2004	Daniel L. W. Chieng	ELAN-01187US1	1464
23910 7590 12/11/2009 FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108				
EXAMINER				
YAARY, MICHAEL D				
ART UNIT		PAPER NUMBER		
2193				
NOTIFICATION DATE		DELIVERY MODE		
12/11/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OFFICEACTIONS@FDML.COM

### Office Action Summary

**Application No.**

10/805,596

**Applicant(s)**

CHIENG ET AL.

**Examiner**

MICHAEL YAARY

**Art Unit**

2193

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09/22/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,5-12,15,16 and 19-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-12,15,16 and 19-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB06)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 09/22/2009

**DETAILED ACTION**

1. Claims 1-2, 5-12, 15-16, and 19-29 are pending in the application.

***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/22/2009 has been entered.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 7, 10-12, 19, and 22-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US Pat. 4,841,828) in view of Luthra et al (hereafter Luthra) (US Pat. 5,023,825), Adams et al. (hereafter Adams)(US Pat. 5,471,411) and Konishi et al. (hereafter Konishi)(US Pat. 4,727,505).

Suzuki, Adams, and Konishi were cited in the previous action dated 04/16/2009.

5. **As to claim 1**, Suzuki discloses a method comprising:

Storing a plurality of independent sets of filter coefficients in a memory, wherein each set of filter coefficients defines a different polyphase filter function, wherein each of the different polyphase filter functions would result in at least some modifying of a signal if the signal were filtered in accordance with the polyphase filter function, and wherein each of the different polyphase filter functions would result in modifying of a signal in a different manner than the other polyphase filter functions (Abstract; column 9, lines 12-20; and column 22, lines 40-58).

5. Suzuki does not explicitly disclose selecting a single one of the independent sets of filter coefficients. However, Luthra discloses selecting a single one of the independent sets of filter coefficients (Abstract and column 2, lines 9-28 disclose a filter obtaining an output sample rate by utilizing an appropriate set of coefficients, from a plurality of sets, from a particular bin; thus selecting an independent set of filter coefficients.).

6. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Suzuki by using the filtering techniques, as taught by Luthra, for the benefit of increasing efficiency in a sampling rate converter.

Motivation to combine can be found in that the combination would allow for minimizing memory and maximizing speed in a filter for both video and audio processing (Luthra, column 1, lines 9-14).

7. The combination of Suzuki and Luthra does not disclose estimating a sample rate of an input signal; interpolating the single one selected set of filter coefficients, in dependence on the estimated sample rate of the input signal, to thereby produce interpolated polyphase filter coefficients. However, Adams discloses estimating a sample rate of an input signal (column 4, lines 31-53); interpolating the single one selected set of filter coefficients, in dependence on the estimated sample rate of the input signal, to thereby produce interpolated polyphase filter coefficients (abstract and column 4, lines 54-57).

8. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Suzuki and Luthra, by performing interpolation, as taught by Adams, for the benefit of varying the output samples of the processed signal.

9. The combination of Suzuki, Luthra, and Adams do not disclose convolving the produced interpolated polyphase filter coefficients with an input signal to produce a

filtered output signal that differs from the input signal regardless of which single one of the sets of filter coefficients is selected.

However, Konishi discloses convolving the produced interpolated polyphase filter coefficients with an input signal to produce a filtered output signal that differs from the input signal regardless of which single one of the sets of filter coefficients is selected (Column 7, lines 27-37 disclose in a digital processor the convolution of an input signal with appropriate coefficient data.).

10. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Suzuki, Luthra, and Adams, by performing the convolution operation, as taught by Konishi, in order to process signals containing a large number of high-frequency components, as well as providing a convolution arithmetic circuit suitable for real-time processing of digital signals.

11. **As to claims 2, 12, and 23**, the combination of Suzuki, Luthra, Adams, and Konishi do not disclose the input signal comprises an audio signal, wherein the input signal is convolved with the interpolated filter coefficients in a sample rate converter of a digital pulse width modulation (PWM) audio amplifier. Examiner is taking official notice that using an audio signal as input, convolving in a sample rate converter of a digital audio amplifier, and implementing in a PWM amplifier was well known in the art at the time the invention was made.

12. Therefore, it would have been obvious to one of ordinary skill in the art the time of the invention to modify the teachings of Suzuki, Luthra, Adams, and Konishi, by using the well known knowledge of an audio signal as input, convolving in a sample rate converter of a digital audio amplifier, and implementing in a PWM amplifier for the benefit of converting from one sample rate into another sample rate and completing filter operations. Motivation to implement this well known knowledge can be found in that audio or image signals are well known in the art to be used for filtering into an output signal and that PWM amplifiers are often used in telecommunications and audio signals as a method of reducing the total amount of power delivered.

13. **As to claim 7 and 19**, the combination of Suzuki, Luthra, Adams, and Konishi disclose the plurality of sets of filter coefficients are stored in a single memory (Suzuki, column 9, lines 46-50 and column 10, lines 12-15).

14. **As to claims 10, 11, and 22**, the claims are rejected for the same reasons as claim 1 above.

15. **As to claims 24-26**, the combination of Suzuki, Luthra, Adams, and Konishi disclose the memory is configured to store the multiple sets of filter coefficients prior to receiving an input signal (Suzuki, column 9, lines 46-50 and column 10, lines 12-15), and wherein the filter function defined by each set of filter coefficients corrects distortion in an output signal produced by convolving the input signal with the interpolated coefficients based on the corresponding set of filter coefficients (Adams, column 2, lines 1-10; and Konishi, column 7, lines 27-37).

16. **As to claims 27-29**, the combination of Suzuki, Luthra, Adams, and Konishi disclose wherein the output signal, resulting from the convolving step, is dependent on which single one of the independent sets of filter coefficients is selected, such that for the same input signal a different output signal would be produced if a different one of the independent sets of filter coefficients were selected (Suzuki, column 23, lines 5-51)

17. Claims 5, 6, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Luthra, Adams, and Konishi and further in view Thompson (US Pat. 5,928,313).



Thompson was cited in the previous action dated 04/16/2009.

18. **As to claims 5 and 15**, the combination of Suzuki, Luthra Adams, and Konishi do not disclose selecting a single one of the sets of filter coefficients comprises reading a value stored in a filter selection register and selecting the single one of the first one of the sets of filter coefficients based upon the value.

However, Thompson discloses selecting the first one of the sets of filter coefficients comprises reading a value stored in a filter selection register and selecting the first one of the sets of filter coefficients based upon the value (column 7, line 56-column 8, line 7).

19. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Suzuki, Luthra, Adams, and Konishi, by reading a value stored in a filter selection register and selecting the first one of the sets of filter coefficients based upon the value, as taught by Thompson, for the benefit of utilizing the hardware fast enough to process incoming samples in real time.

20. **As to claim 6**, the combination of Suzuki, Luthra, Adams, Konishi, and Thompson disclose changing the value in the filter selection register to a new value and selecting a new single one of the sets of filter coefficients based upon the new value (Thompson, column 8, lines 7-19).

21. **As to claim 16**, the combination of Suzuki, Luthra, Adams, Konishi, and Thompson disclose the filter selection register is configured to allow modification of the filter selection value (Thompson, column 8, lines 7-19).

22. Claims 8, 9, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Luthra, Adams, and Konishi and further in view of Auld et al. (hereafter Auld)(US Pat. 6,411,333).

Auld was cited in the previous office action dated 04/16/2009.

23. **As to claims 8, 9, 20, and 21**, the combination of Suzuki, Luthra, Adams, and Konishi do not disclose the selected set of filter coefficients are interpolated according to a cubic spline algorithm, and each of the plurality of sets of filter coefficients comprise polyphase filter coefficients.

However, Auld discloses first selected set of filter coefficients are interpolated according to a cubic spline algorithm, and each of the plurality of sets of filter coefficients comprise polyphase filter coefficients (column 11, lines 46-50).

24. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Suzuki, Luthra, Adams, and Konishi by having the first selected set of filter coefficients be interpolated according to a cubic spline algorithm, and each of the plurality of sets of filter coefficients comprise

polyphase filter coefficients, as taught by Auld, for the benefit of effectively interpolating multi-dimensional data.

### ***Response to Arguments***

25. Applicant's arguments with respect to claim 1, 2, 5-12, 15, 16, and 19-29 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL YAARY whose telephone number is (571)270-1249. The examiner can normally be reached on Mon-Fri 9 a.m.-5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis Bullock can be reached on 571-272-3759. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. Y./  
Examiner, Art Unit 2193

/Lewis A. Bullock, Jr./  
Supervisory Patent Examiner, Art Unit 2193